



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,234	04/03/2007	Bror Eriksson	02544.002090	2155
5514	7590	03/21/2008	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SELF, SHELLEY M	
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
03/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,234	ERIKSSON, BROR	
	Examiner	Art Unit	
	Shelley Self	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 April 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 March 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
The date has been omitted

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to due to the use of legal phraseology, such as comprising, comprises and connecting means. Correction is required. See MPEP § 608.01(b).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *rotor* (clm, 1, 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "7" (pg. 4, line 3) and "17" (pg. 6, line 16) have both been used to designate seat surface and reference characters "10" (pg. 4, line 23) and "17" (pg. 5, line 18) have both been used to designate seat surface.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with errors. For example, the following recitations render the claim(s) indefinite:

“..viz. a first...” (clm. 1, line 17)

“this part along later edges...” (clm.1, line 26)

“its head” (clm. 1, line 28)

“and/or” (clm. 1, line 30)

“its mounting surface” (clm. 1, line 33)

Regarding the recitation, and/or, Examiner notes this is an alternative and therefore indefinite, is it “and” or is it “or”? Clarification is required.

With regard to the recitation, “its” Examiner suggests positive recitation to the structure of which “its” refers. Appropriate correction is required.

With regard to the recitations, “the shank” and “the head” (clm. 1, lines 39-41), Examiner notes a both a first connecting means shank and head and a second connecting means shank and head have been positively recited, therefore it is no unclear which shank and head is being referenced in lines 39-41 of the claim, i.e., sufficient antecedent basis has not been established. Appropriate correction is required.

With regard to claim 2, what is the other part? Positive recitation of the structure of the other part is suggested.

With regard to claims 1, 2, 4 and 7, the recitations, "sleeve-like", "keel-shaped" and "groove-shaped render the claims indefinite. Further regarding claims, the recitation, "i.e., has at least two surfaces..." renders the claims indefinite. Examiner suggests clear and positive recitation of what "keel-shaped" and "groove-shaped" is. Clarification is required.

With regard to claim 6 (line 14) and claim (line 2), the recitation, "it" renders the claim indefinite. Examiner suggests clear and positive recitation of the structure to which "its" refers.

Regarding claims 1 and 6, the word "means" is preceded by the word(s) "connecting" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). It is not clear whether or not Applicant is invoking 35 U.S.C. 112 6th paragraph. Examiner suggests --means for connecting--.

The above listing of 35 U.S.C. 112 rejections is not inclusive, and Applicant is required to review ALL of the claims for compliance the 35 U.S.C. 112.

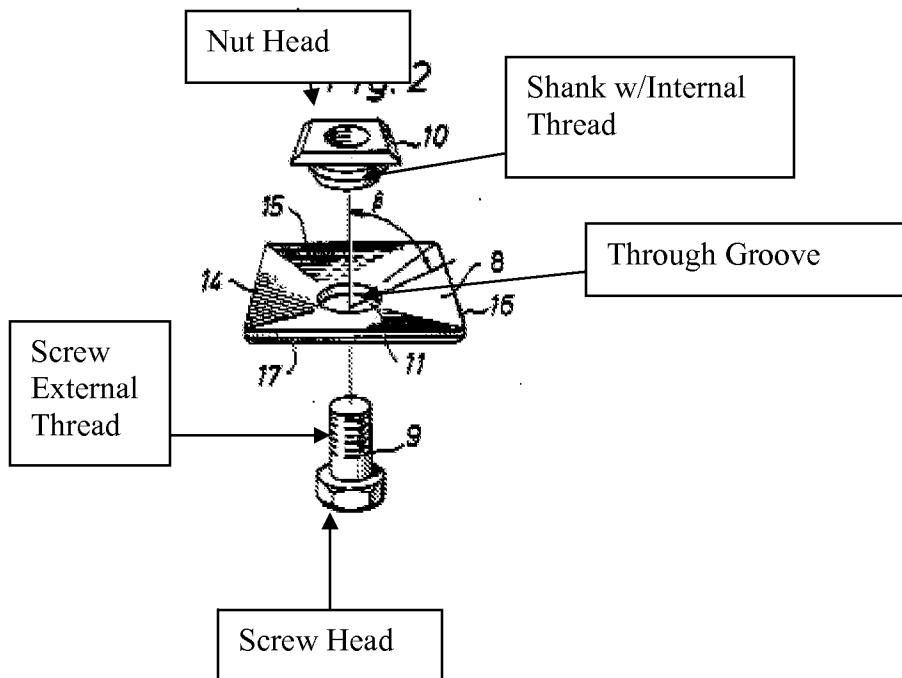
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 as best as can be understood are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson (4,231,046). With regard to claims 1 and 6, Jonsson discloses a barking device comprising a barking arm (fig. 1), a barking tool (8), which has at least one barking edge (fig. 3), which is mountable in a tool seat (fig. 3) at an outer end of the arm (fig. 1), the barking arm being pivotally connectible to a rotor, the barking tool comprising a convex mounting surface (fig. 3) to abut against a concave seat surface (12; fig. 3), connecting means mountable to the tool seat, characterized in that the connecting means comprises two connecting means parts, a first connecting means part in the form of a screw (9) with an externally threaded shank (fig. 2) and a head (fig. 2) and a second connecting means in the form a "sleeve-like nut" (10) with an internally threaded shank (fig. 1) into which the shank of the screw (9) is screwable and a head, the barking device further comprises a through hole (fig. 1-3) and through groove, a counter sink (fig. 2, 3) and mounting surface (fig. 23)



As to the recitation, “sleeve-like nut with internal threaded shank”, Examiner notes Jonsson, inherently disclose the sleeve (10) to be internally threaded so as to securing fasten the screw (9) to the device for securing the barking tool (fig. 3).

With regard to claim 2, Jonsson discloses wherein the length of the shank (fig. 2) of the nut (10) is adapted so that, when the nut is in the connecting position the nut extends at least a distance into the part.

With regard to claims 3 and 7, as best as can be understood, Jonsson discloses a keel shape.

With regard to claim 4, as best as can be understood, Jonsson discloses a groove shaped concave seat (fig. 3).

With regard to claims 5 and 8, as best as can be understood, Jonsson discloses a ridge extending essentially perpendicular to the intended direction of feeding of the logs (fig. 1-3)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shelley Self/
Primary Examiner, Art Unit 3725

March 17, 2008